

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2016 APR 14 A 11:31
SUSAN K. BOGGS
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES OF AMERICA,

V.

WHA

CR 16 159

STANISLAV PETROV AND MILAGRO MORAGA,

DEFENDANT(S).

INDICTMENT

18 U.S.C § 922 (g)(1) - Felon in Possession of Firearm and Ammunition
21 U.S.C §§ 846 and 841 (a)(1) & (b)(1)(B) - Conspiracy to Distribute/Possess with
Intent to Distribute Methamphetamine
21 U.S.C. § 841 (a)(1) & (b)(1)(B) - Possession with Intent to Distribute
Methamphetamine
18 U.S.C §§ 924 (c) and 2 - Possessing a Firearm in Furtherance of a Drug
Trafficking Crime
18 U.S.C. § 924(d), 21 U.S.C § 853, and 28 U.S.C § 2461(c) - Forfeiture

+

A true bill.

Foreman

Filed in open court this 14th day of

Clerk

SALLIE KIM
United States Magistrate Judge

Bail, \$ no process as to all

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

18 U.S.C § 922 (g)(1) - Felon in Possession of Firearm and Ammunition

☐ Petty

21 U.S.C §§ 846 and 841 (a)(1) & (b)(1)(B) - Conspiracy to Distribute/Possess with Intent to Distribute Methamphetamine

☐ Minor

18 U.S.C §§ 924 (c) and 2 - Possessing a Firearm in Furtherance of a Drug Trafficking Crime

☐ Misdemeanor

18 U.S.C. § 924(d), 21 U.S.C § 853, and 28 U.S.C § 2461(c) - Forfeiture

☒ Felony

PENALTY: See Attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

STANISLAV PETROV

DISTRICT COURT NUMBER

CR 16 159

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of.

SHOW DOCKET NO.

☐ U.S. ATTORNEY ☐ DEFENSE☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DAMALI TAYLOR

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Count One: 18 U.S.C. § 922(g)(1)

Maximum Penalties: 10 years imprisonment; \$250,000 fine; 3 years supervised release; and a \$100 special assessment.

Counts Two and Three: 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B)

Maximum Penalties: Maximum term of imprisonment: 40 years; Mandatory minimum term of imprisonment: 5 years; \$5,000,000 fine; 4 years supervised release; and a \$100 special assessment.

If a defendant has a qualifying prior conviction and an Information is filed pursuant to 21 U.S.C. § 851, the mandatory term of imprisonment would be 10 years.

Count Four: 18 U.S.C. § 924(c)

Maximum Penalties: Maximum term of imprisonment: life; \$250,000 fine; Mandatory minimum consecutive term of imprisonment: 5 years; 5 years supervised release; and a \$100 special assessment.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

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21 U.S.C §§ 846 and 841 (a)(1) & (b)(1)(B) - Conspiracy to Distribute/Possess with Intent to Distribute Methamphetamine

18 U.S.C §§ 924 (c) and 2 - Possessing a Firearm in Furtherance of a Drug Trafficking Crime

18 U.S.C. § 924(d), 21 U.S.C § 853, and 28 U.S.C § 2461(c) - Forfeiture

PENALTY: See Attached

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

2016 SAN FRANCISCO DIVISION

DEFENDANT - U.S.

MILAGRO MORAGA

DISTRICT COURT NUMBER

CR 16 159

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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Name and Office of Person

Furnishing Information on this form BRIAN STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) DAMALI TAYLOR

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2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

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DATE OF ARREST

Month/Day/Year

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☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

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☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Count One: 18 U.S.C. § 922(g)(1)

Maximum Penalties: 10 years imprisonment; \$250,000 fine; 3 years supervised release; and a \$100 special assessment.

Counts Two and Three: 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B)

Maximum Penalties: Maximum term of imprisonment: 40 years; Mandatory minimum term of imprisonment: 5 years; \$5,000,000 fine; 4 years supervised release; and a \$100 special assessment.

If a defendant has a qualifying prior conviction and an Information is filed pursuant to 21 U.S.C. § 851, the mandatory term of imprisonment would be 10 years.

Count Four: 18 U.S.C. § 924(c)

Maximum Penalties: Maximum term of imprisonment: life; \$250,000 fine; Mandatory minimum consecutive term of imprisonment: 5 years; 5 years supervised release; and a \$100 special assessment.

BRIAN J. STRETCH (CABN 163973)
United States Attorney

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CLERK OF COURT
NORTHERN DISTRICT OF CALIF.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WHA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STANISLAV PETROV and
MILAGRO MORAGA,

Defendants.

CASE NO.

CR 16 159

VIOLATIONS: 21 U.S.C. § 846 – Conspiracy and Attempt to Distribute /Possess with Intent to Distribute Methamphetamine; 21 U.S.C. § 841(a)(1) – Distribute /Possess with Intent to Distribute Methamphetamine; 18 U.S.C. § 922(g)(1) – Felon in Possession of Firearm and Ammunition; 18 U.S.C. § 924(c) - Using/Possessing Firearm During or in Furtherance of Drug Trafficking Crime; 18 U.S.C. § 924(d), 981(a)(1)(C), 21 U.S.C. § 853, 28 U.S.C. § 2461 – Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of Firearm and Ammunition)

1. On or about March 8, 2016, in the Northern District of California, the defendant,

STANISLAV PETROV,

having been previously convicted of a crime punishable by a term of imprisonment exceeding one year, unlawfully and knowingly possessed a firearm, to wit, a Ruger P90 pistol, Serial Number: 661-79063, and six rounds of .45 caliber PMC ammunition, in and affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

1 COUNT TWO: (21 U.S.C. §§ 846 and 841(a)(1) & (b)(1)(B) – Conspiracy to Distribute/Possess
2 with Intent to Distribute Methamphetamine)

3 2. Between a date unknown to the Grand Jury and continuing to at least on or about March
4 8, 2016, in the Northern District of California, the defendants,

5 STANISLAV PETROV and

6 MILAGRO MORAGA,

7 knowingly and intentionally conspired to distribute and to possess with intent to distribute a Schedule II
8 controlled substance, to wit, 50 grams and more of a mixture and substance containing a detectable
9 amount of methamphetamine, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) &
10 (b)(1)(B).

11 COUNT THREE: (21 U.S.C. § 841(a)(1) & (b)(1)(B) – Possession with Intent to Distribute
12 Methamphetamine)

13 3. On or about March 8, 2016, in the Northern District of California, the defendants,

14 STANISLAV PETROV and

15 MILAGRO MORAGA,

16 knowingly and intentionally possessed with intent to distribute a Schedule II controlled substance, to
17 wit, 50 grams and more of a mixture and substance containing a detectable amount of
18 methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) & 841(b)(1)(B).

19 COUNT FOUR: (18 U.S.C. §§ 924(c) and 2 – Possessing a Firearm in Furtherance of a Drug
20 Trafficking Crime)

21 4. On or about March 8, 2016, in the Northern District of California, the defendant

22 STANISLAV PETROV

23 knowingly possessed a firearm in furtherance of a drug trafficking crime for which he may be
24 prosecuted in a court of the United States, namely, the offenses charged in Counts Two and Three of this
25 Indictment, in violation of Title 18, United States Code, Sections 924(c) and 2.

26 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c))

27 5. The allegations in Counts One through Four of this Indictment are realleged and by this
28 reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of

1 Title 18, United States Code Sections, 924(d), Title 21, United States Code, Section 853 and Title 28,
 2 United States Code, Section 2461(c).

3 6. Upon a conviction of any of the offenses alleged in Counts One or Four, the defendant
 4 STANISLAV PETROV
 5 shall, pursuant to Title 18, United States Code, Section 924(d), forfeit to the United States any firearm
 6 involved in or used in a violation of Title 18, United States Code, Sections 922(g)(1), or 924(c), as
 7 alleged in Counts One or Four of this Indictment, and specifically including but not limited to the
 8 following:

- 9 a. Ruger P90 pistol, Serial Number: 661-79063.
- 10 b. six rounds of .45 caliber PMC ammunition.

11 7. Upon a conviction of any of the offenses alleged in Counts Two or Three, the defendants,
 12 STANISLAV PETROV and
 13 MILAGRO MORAGA,
 14 shall, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from,
 15 any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or
 16 intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses.

17 The property to be forfeited includes, but is not limited to, the following:

- 18 a. Ruger P90 pistol, Serial Number: 661-79063.
- 19 b. six rounds of .45 caliber PMC ammunition.

20 8. If any of the forfeitable property, as a result of any act or omission of defendants,
 21 (A) cannot be located upon the exercise of due diligence;
 22 (B) has been transferred or sold to, or deposited with, a third party;
 23 (C) has been placed beyond the jurisdiction of the Court;
 24 (D) has been substantially diminished in value; or
 25 (E) has been commingled with other property which cannot be divided without
 26 difficulty;

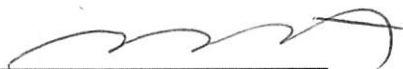
27 any and all interests that defendants have in any other property (not to exceed the value of the above
 28 described property) shall be forfeited to the United States, pursuant to Title 21, United States Code,

1 Section 853(p).


3 DATED:


A TRUE BILL.

4 April 14, 2016

5 
6 FOREPERSON

7 BRIAN J. STRETCH
8 United States Attorney

9 
10 DAVID R. CALLAWAY
11 Chief, Criminal Division

12 (Approved as to form: )
13 DAMALI A. TAYLOR
14 Assistant U.S. Attorney